

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CRAFTON MOORE

Case No.: 18-CV-00539

Plaintiff,

v.

STATE FARM FIRE AND
CASUALTY COMPANY,

Defendant.

PLAINTIFF'S PRETRIAL REPORT

Plaintiff, Crafton Moore ("Moore" or "Plaintiff"), by and through his attorneys, Cade Law Group LLC, pursuant to the Court's Order, provides the following Pretrial Report.

A. STATEMENT OF FACTS.

This is a lawsuit pertaining to Defendant State Farm Fire and Casualty Insurance Company's denial of a claim for insurance benefits as to property located at 3543 North 13th Street, Milwaukee, Wisconsin (the "Property") owned by Crafton Moore.

State Farm denied the claim on the grounds that the fire appears to be suspicious or arson. There is no evidence that State Farm has that Moore caused the fire.

B. STATEMENT OF ISSUES.

The issues for a jury to determine in this matter are:

1. Did State Farm breach its contract of insurance with Crafton Moore by denying and refusing to pay on his fire loss claim?

2. Is State Farm estopped from denying Plaintiff's fire loss?
3. Did State Farm act in bad faith by denying his fire loss claim?
4. If the answer to Questions 1 or 2 is yes, what amount of compensatory damages, if any, is Moore entitled to recover?
5. If the answer to Question 3 is yes, what amount of punitive damages, if any, is Moore entitled to recover?

C. PLAINTIFF'S WITNESSES.

1. Crafton Moore 3949 North 24th Street, Milwaukee, WI 53206.

Mr. Moore will testify about the procurement of insurance from State Farm, the repairs to the Property the night before the fire, the actual fire loss, and his damages.

2. Celia Moore, 3949 North 24th Street, Milwaukee, WI 53206

Ms. Moore is the sister of Plaintiff Crafton Moore, and if called to the stand, will testify about her seeing her brother at home at the time of fire, having just returned from being at a bar.

3. Camille Cook, 3610 North 14th Street, Milwaukee, WI 53206.

Ms. Cook discovered the fire located at 3543 North 13th Street, Milwaukee, WI on March 4, 2017, and called 911. It is anticipated that Ms. Cook will testify as to the facts surrounding the subject incident.

4. Kiwana L. Glass, 3537 North 13th Street, Milwaukee, WI 53206.

Ms. Glass resided in a home located next door to the residential rental property located at 3543 North 13th Street, Milwaukee, WI which sustained fire damage on March 4, 2017. It is anticipated that Ms. Glass will testify as to her knowledge of the facts and circumstances surrounding the subject incident.

5. Charrish L. Winfory, 3537 North 13th Street, Milwaukee, WI 53206.

Ms. Winfory resided in a home located next door to the residential rental property located at 3543 North 13th Street, Milwaukee, WI which sustained fire damage on March 4, 2017. It is anticipated that Ms. Winfory will testify as to her knowledge of the facts and circumstances surrounding the subject incident.

6. Lillian L. Grandy, Iowa (address unknown).

Ms. Grandy was the former tenant of the residence located at 3543 North 13th Street, Milwaukee, WI which sustained fire damage on March 4, 2017. It is anticipated that Ms. Grandy will testify as to the condition of the rental unit and Crafton Moore in his capacity as a landlord and property owner

7. Joseph W. Merrill, Police Officer – Milwaukee Police Department

Officer Merrill responded to the scene of the fire located at 3543 North 13th Street, Milwaukee, WI on March 4, 2017. It is anticipated that Officer Merrill will testify as to his investigation regarding the subject incident.

8. Samantha R. DeCleene, Police Officer – Milwaukee Police Department

Officer DeCleene responded to the scene of the fire located at 3543 North 13th Street, Milwaukee, WI on March 4, 2017. It is anticipated that Officer DeCleene will testify as to her investigation regarding the subject incident.

9. Sylvia Ortiz, Forensic Investigator - Milwaukee Police Department

Investigator Ortiz responded to the scene of the fire located at 3543 North 13th Street, Milwaukee, WI on March 4, 2017. It is anticipated that Investigator Ortiz will testify as to her investigation regarding the subject incident.

10. Sean Slowey, Battalion Chief 2 - Milwaukee Fire Department

Chief Slowey responded to the scene of the fire located at 3543 North 13th Street, Milwaukee, WI on March 4, 2017. It is anticipated that Chief Slowey will testify as to his investigation regarding the subject incident.

11. Michael P. Schwade – Milwaukee Fire Department

Mr. Schwade is an employee of the Milwaukee Fire Department, and will testify about the property and consistently with his deposition testimony and his position with the Milwaukee Fire Department.

12. Alando Hurd, (414.551-5922) Address unknown.

Mr. Hurd was with Moore at the Property performing repairs the night before the fire loss.

13. Jennifer Williams (current address unknown)

Ms. Williams was the tenant that had rented the Property from Moore and was preparing to move into the unit. She also will testify about payments she made to Moore for the right to move into the Property. She previously gave a recorded statement to State Farm, which Plaintiff intends to use.

14. Moore reserves the right to call any of the witnesses identified by Defendant and to amend this list based on the evidence, as presented by Defendant.

15. Moore also reserves the right to call witnesses to provide rebuttal testimony.

D. EXPERT WITNESSES.

None.

E. PLAINTIFFS'S LIST OF EXHIBITS.

Exhibits Used in Depositions (Not all to be introduced or used by Plaintiff)

1. Michael Schwade Fire Report
2. Michael Quick's Fire Report
3. Curriculum Vitae Summary
4. Curriculum Vitae Summary
5. Moore Site Exam, 3/20/17
6. Derek Starr Electrical Evaluation Report 12/7/18
7. Photographs
8. Manila Folder, 17-043 Crafton Moore, Memory Cards
9. Handwritten Notes
10. Lab Report of 3/28/17
11. Kubitz Evidence Inventory & Transmittal
12. Invoice, 4/17/17
13. Return Receipt for Merchandise
14. Incident Report
15. Residential Rent Agreement between Moore and Jennifer Williams
16. Receipt from C. Moore to Jennifer Williams
17. Recorded Statement by John Perreault of Jennifer Williams
18. Highlights of Recorded Interview
19. Small Claims Eviction Complaint (Moore v. Grandy)

Other Exhibits:

20. Lease between Crafton Moore and Jennifer Williams, dated March 4, 2017
21. Milwaukee Police Department, Incident Report #170630028
22. State Farm Insurance Policy, with declarations, for the Property.

23. State Farm reservation of rights letter, dated March 29, 2017.
24. State Farm denial letter to Crafton Moore, dated January 25, 2018.
25. Copy of a check, dated February 6, 2018, to Crafton Moore from State Farm.
25. CCAP printout of eviction of Crafton Moore and Lilliam Grandy (for stipulation, below)
26. Plaintiff reserves the right to use any exhibit identified by Defendant.
27. Plaintiff reserves the right to use any document for rebuttal.
28. Plaintiff reserves the right to use demonstrative exhibits.

F. DESIGNATION OF DEPOSITIONS OR PORTIONS OR TRANSCRIPTS TO BE READ OR PLAYED AT TRIAL.

The recorded statement of Jennifer Williams by State Farm will be read to the jury if she cannot be located to testify at trial.

The videotaped deposition of Lilliam Grandy will be played for the jury.

G. TIME ESTIMATE.

Moore believes that the case will take three days to try, including voir dire and jury deliberations.

H. VOIR DIRE PROPOSED QUESTIONS.

1. Name, age, occupation?
2. Married?
 - a. If yes, name, age and occupation of spouse?
3. Any family members or relatives work in or for law enforcement?
 - a. How involved?

4. Any family members or relatives work in or for a fire department?
 - a. How involved?
5. Have you, your spouse/partner or any member of your family ever had a fire damage a home or residence?
 - a. If yes, please explain what happened.
6. Do you, your spouse/partner or any member of your family own rental property?
 - a. If yes, have you or they ever performed repairs to the property?
 - b. Have you or they ever had to evict a tenant from the property?
7. Have you, your spouse/partner or anyone in your family ever filed a claim or lawsuit regarding a personal injury, an accident or fire loss/damage?
 - a. If yes, please explain the claim or lawsuit that was filed?
 - b. If yes, how was the claim or lawsuit resolved?
 - c. Are you satisfied with how the claim or lawsuit was resolved?
8. Have you, your spouse/partner or anyone in your family ever filed a claim with or against an insurance company for any reason?
 - a. If yes, please explain the reason for the claim.
9. Have you, your spouse or anyone in your family ever been sued in a court of law?
 - a. If yes, please explain the claim or lawsuit that was filed?
 - b. If yes, how was the claim or lawsuit resolved?
 - c. Are you satisfied with how the claim or lawsuit was resolved?

I. PROPOSED STIPULATIONS

1. Moore filed an eviction action against Lillian Grandy, the prior occupant at the Property, on January 17, 2017 (source: CCAP – see attached).
2. Grandy appeared at the adjourned hearing date of February 14, 2017.
3. An eviction hearing was held on February 15, 2017 before Judge Ellen Brostrom of the Milwaukee County Circuit Court.
4. Judge Brostrom granted a writ of restitution to Moore on February 15, 2017.
5. Grandy filed a motion to reopen the eviction action on February 23, 2017.
6. Judge Brostrom grants Grandy's motion to reopen on February 23, 2017, and finds that Moore is still entitled to restitution of the property, so Grandy is evicted as of March 1, 2017.

J. PROPOSED JURY INSTRUCTIONS

- To be filed separately.

K. PROPOSED SPECIAL VERDICT

- To be filed separately.

L. MOTIONS IN LIMINE

- To be filed separately.

Dated this 14th day of January, 2020.

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